

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

AMBAR MOELJADI,

Plaintiff,

Case No.: 21-cv-522

v.

CACH, LLC,
MERCANTILE ADJUSTMENT BUREAU, LLC,
and KIRSCHENBAUM & PHILLIPS, P.C.

Defendants.

**DEFENDANT MERCANTILE ADJUSTMENT BUREAU, LLC'S
NOTICE OF REMOVAL**

Defendant Mercantile Adjustment Bureau, LLC ("MAB") files this Notice of Removal of this action to the United States District Court for the Eastern District of New York as follows:

1. On November 9, 2020, Plaintiff Ambar Moeljadi ("Plaintiff") filed her Summons with Notice in the Supreme Court of the State of New York, County of Queens (Index. No.: 721213/2020).
2. Thereafter, on December 29, 2020, MAB filed a Demand for Complaint.
3. On January 4, 2021 Plaintiff filed her Complaint and Verification of Complaint, effecting service via CM/ECF.
4. This is a civil action based on Plaintiff's contentions that MAB and its co-defendants Cach, LLC ("Cach") and Kirschenbaum & Phillips, P.C. ("K&P"), violated, *inter alia*, the Fair Debt Collections Practices Act, 15 U.S.C. § 1692 *et seq.* ("FDCPA").
5. Defendant desires to exercise its right to remove the county court action under 28 U.S.C. § 1441(a), which provides in pertinent part:

Except as otherwise expressly provided by Act of Congress, any civil action brought in a State court of which the district courts of the United States have original jurisdiction, may be removed by the defendant or the defendants, to the district court of the United States for the district and division embracing the place where such action is pending.

6. Given that the Complaint alleges that Defendant violated the FDCPA, this Court, pursuant to 28 U.S.C. § 1331, has subject matter jurisdiction over the allegations in the Complaint.

7. Thus, the Civil Court of the City of New York, County of Queens, New York action may be removed to this Court by Defendant in accordance with the provisions of 28 U.S.C. § 1441(a) because this is a civil action pending within the jurisdiction of the United States District Court for the Eastern District of New York and because the allegations by Plaintiff allege violations of the FDCPA

8. Simply stated, removal is proper because this case involves a federal question—alleged violations of the FDCPA. Therefore, the entire Complaint is removable pursuant to 28 U.S.C. §1441(a).

9. Removal is timely pursuant to 28 U.S.C. §1446(b) because MAB has filed this Notice of Removal within 30 days of its receipt of Plaintiff's Complaint.

10. Pursuant to 28 U.S.C. §1446(a), copies of all process, pleadings, orders and other papers filed in this action and obtained by MAB are attached hereto and marked as Exhibit A and incorporated herein by reference.

11. Additionally, MAB has obtained the consent for removal from Defendants Cach and K&P. Exhibit B.

12. A civil cover sheet will be contemporaneously filed with this pleading.

13. Pursuant to 28 U.S.C. § 1446(d), a copy of this Notice of Removal has been sent to Plaintiff and will be filed with the clerk of the Supreme Court of the State of New York, County of Queens. By serving a copy of this Notice of Removal upon Plaintiff's Counsel, Defendant is giving Plaintiff proper notice of this removal.

14. Venue is proper in this district under 28 U.S.C. §1441(a) because the state court where the suit has been pending is located in this district.

15. A jury demand was not explicitly made in state court but was referred to in Plaintiff's Complaint.

16. Defendant reserves the right to amend or supplement this Notice of Removal and further reserves the right to raise all defenses or objections.

For the above reasons, Defendant Mercantile Adjustment Bureau, LLC requests that this Court assume full jurisdiction over the proceeding as provided by law.

Date: February 1, 2021

LIPPES MATHIAS WEXLER FRIEDMAN LLP

/s/ Brendan H. Little
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CERTIFICATE OF SERVICE

I, Brendan H. Little, hereby certify that on February 1, 2021 I caused the Notice of Removal to be submitted to the Clerk of the Court for the United States District Court for the Eastern District of New York, and a copy of the within pleading to be served via United States Mail, postage prepaid, upon:

Michael L. Hurwitz, Esq.
Attorney for Plaintiff
342 West 47th Street, 1 FL
New York, NY 10036
Tel: 212-221-9890

/s/ Brendan H. Little
Brendan H. Little